

REMARKS

Claims 1-6 are all the claims pending in the application. Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority and receipt of the certified priority document. The Examiner is kindly requested to acknowledge acceptance of the drawings in the next Office Action.

Rejection of the Claims:

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent No. 6,462,778) in view of Murphy et al. (U.S. Patent No. 5,799,082). Applicants respectfully traverse this rejection.

The present invention is related to a position authentication system that, *inter alia*, includes portable electronic equipment that is operable to detect, encrypt, and transmit its position information. Once transmitted, the position authentication system of the present invention includes a center system that is operable to process this position information and generate place-specifying data, copy-guarding this place-specifying data, and then transmitting the copy-guarded information back to the electronic portable equipment.

Claim 1 recites, *inter alia*,

"portable electronic equipment including at least position information detecting-and transmitting-means for detecting current position information, encrypting the position information and transmitting the encrypted position information to the outside, and storage means for storing reception data"

With regards to claims 1 and 4, the Examiner first alleges that Abram et al. disclose portable electronic equipment with image-data generating means for photography (citing column 3, lines 39-40) with position information detecting and transmitting means for detecting current position (citing column 3, lines 55-57) and transmitting to the outside (citing Figure 3).

Applicant respectfully submits that this assertion by the Examiner is in error. In particular, as noted above, claim 1 includes a “position information detecting-and transmitting-means for detecting current position information, encrypting the position information and transmitting the encrypted position information to the outside.”

The Examiner acknowledges that Abram et al. fail to teach the encrypting of the position information, the authenticating of the position information, and the copy guard processing of the place specifying data¹. Even more, however, Applicants submit that in addition to the acknowledged lack of disclosure for the aforementioned features, Abram et al. also does not disclose a feature for *transmitting* the position information *to the outside*. The Examiner states that this feature is shown in Figure 3. However, Figure 3 of Abram et al. merely discloses a passive location determination unit 3 more similar to a conventional global positioning satellite receiver (see col. 3, lines 44-46). As taught by col. 3, lines 55-58, location determination unit 375 passes received location information to camera control 370. One of ordinary skill in the art would not equate a receiver as such described with capabilities of also transmitting position information to the outside, nor is this suggested by the disclosure of Abram et al. As such, for at

¹ See page 3, lines 2-4 of the Office Action.

least this reason (as well as for the others that follow), independent claim 1 (as well as independent claim 4 which also includes this feature) is allowable.

To make up for the multiple deficiencies of the teachings of Abram et al., the Examiner states that Murphy et al. teach secure authentication of images with location data. Specifically, the Examiner asserts that Murphy et al. teach that position information from the position information detecting and transmitting means is encrypted (citing column 13, lines 30-36) and that the position information is authenticated (citing column 15, lines 31-47). The Examiner further argues that Murphy et al. further teach a copy guard-processing scheme (citing column 14, line 52 - column 15, line 19).

Based on this, the Examiner concludes that at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Murphy's encryption, authentication, and copy guard techniques because they offer the advantage of preserving a digital image and location information in unaltered form (citing column 7 lines 57-66 and column 8 line 64 - column 9 line 4) and allowing only authenticated individuals to view the digital image (citing Murphy, column 8 lines 21-30).

Murphy et al. disclose concealing image authentication information concerning the circumstances of formation of a digital image within the image itself (see col. 7, lines 59-62). This image authentication information can include the location and time of formation of the image. However, Murphey et al. teach that this authentication information that includes the location where the image was taken is never transmitted. Specifically, col. 8, lines 27-29 state that "[t]he digital image and its authentication information is never transmitted . . . and this not

interceptible.” Thus, while Abram et al. does not teach transmitting the position information to the outside for the reasons above, Murphey et al. actually teaches away from transmission of position (authentication information) data. Accordingly, the claims are allowable for this reason as well.

Further, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *See In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In the Examiner’s analysis, he proposes to use the encryption techniques of Murphey et al. in the digital camera. That would necessarily mean that the position data provided by the location determination unit be encrypted before it is provided to camera control 370. As discussed above, since the data is not transmitted, this encryption of position data would be nonsensical. Further, the Examiner’s scenario would equate the camera 300 (or portions thereof) to be the recited center system. As stated in claim 1, once the information is copy-guarded, it is transmitted to the electronic equipment. In the Examiner’s scenario, the camera control 370 would transmit the information to the location determination unit 370. Clearly, the camera control 370 is not disclosed with a transmission capability, nor would there be any reason to transmit copy-guarded information to the location determination unit 370. The Abram et al. device would not operate using the Examiner’s proposed scenario. Accordingly, the claims are allowable for this reason as well.

Dependent claim 2 recites, *inter alia*, a center system that transmits the place-specifying data to the electronic equipment as discussed above. The Examiner states that this feature is shown in Figure 9 of Abram et al. One of ordinary skill in the art would recognize that there are no transmission steps shown, and in particular from a center system as recited to electronic equipment. Rather, Figure 9 discloses a method of associating location information with a digital image with only reception of location information. Similarly for claims 3 and 5 where the copy-guarded information of the present invention is transmitted to the electronic equipment. Accordingly, these claims are allowable for their dependency on independent claims 1 and 4, as well as for their own features.

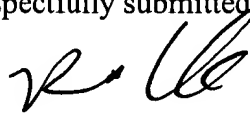
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/618,281

Attorney Docket No. Q60167

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ronald Kimble
Registration No. 44,186

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 31, 2004